IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 23742 of 2004

Between:

1 Rayipati Satyanarayana, s/o Subba Rao,
r/o Kesavaram, Mandepeta Mandal, E.G.District.
2 Rayipati Kasiviswanatham, s/o Subba Rao,
r/o Kesavaram Village, Mandapeta Mandal, E.G.District.
3 Rayipati Suryanarayana, s/o Subba Rao,
r/o Kesavaram Village, Mandapeta Mandal, East Godavari District.

... PETITIONERS

AND

1 The Mandal Revenue Officer, Mandapet, East Godavari District.
2 The State of Andhra Pradesh, rep., by its Secretary, Department of revenue,
Secretariat Buildings, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of CERTIORARI and to call for the records relating to and connected with Proc.Rc.No.Ref. (B) 463/2004 dated 28-11-2004 of the Office of the Mandal Revenue Officer, Mandapeta, East Godavari District and quash or set aside the same as illegal, arbitrary and violative of Article 14 of the Constitution of India and it is consequently prayed that this Hon'ble Court may be pleased to direct the respondent not to dispossess the petitioners from the said land and it is alternatively prayed that this Hon'ble Court may be pleased to direct the respondents not to dispossess the petitioners from the said lands without following the due process of law such as the Land Acquisition Act, payment of Compensation and the law declared by this Hon'ble Court in Land Acquisition Officer-cum-Revenue Divisional Officer, Chevella Division, Hyderabad and others Vs. Mekala Pandu and others

2004(2) A.L.T.546 (D.B.).

Counsel for the Petitioners: MR.P.NAVEEN RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioners and also the learned Government Pleader appearing on behalf of the respondents and with their consent, the writ petition is being disposed of at the admission stage.

2. Questioning the impugned notice issued by the first respondent - Mandal Revenue Officer in Proc.Rc.No.Ref. (B) 463/2004 dated 28-11-2004 directing the petitioners to vacate the lands in S.No.202 in an extent of Ac.0.30 cents of Kesavaram Village, Mandapet Mandal of East Godavari District within 7 days from the date of receipt thereof; petitioners filed the present writ petition seeking a direction to the respondents not to dispossess them from the land in question without following the due process of law.

3. As against the impugned notice issued by the first respondent – Mandal Revenue Officer, it is submitted by the learned Government Pleader for Revenue and admitted to by the learned counsel for the petitioners that an effective alternative remedy by way of appeal is available to the petitioners before the Revenue Divisional Officer concerned.

4. Inasmuch as against the impugned notice issued by the first respondent – Mandal Revenue Officer, an alternative remedy by way of appeal is available to the petitioners, before the Revenue Divisional Officer, I deem it appropriate to dispose of the writ petition

with the following directions.

5. The petitioners may avail the remedy of appeal available to them against the impugned notice issued by the first respondent –Mandal Revenue Officer before the Revenue Divisional Officer within six weeks from today, along with an application for stay. On such appeal being filed together with application for stay, the Revenue Divisional Officer concerned, is directed to consider and pass appropriate orders thereon either on the appeal or on the application for stay, expeditiously. Till appropriate orders are passed on the appeal or the application for stay, *status quo* obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage.

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N. V. RAMANA, J

December 21, 2004

Note: *Furnish copy tomorrow*

(B/o)

MRR/NSR

To:

1 The Mandal Revenue Officer, Mandapet, East Godavari District.
2 The Secretary, Department of Revenue,
Secretariat Buildings, Hyderabad.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

4 Two C.D. Copies.